

## **MINUTES**

### **INDIANA BOARD OF CHIROPRACTIC EXAMINERS**

**JANUARY 8, 2009**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Dyer called the meeting to order at 9:00 a.m. in Conference Center Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

##### **Board Members Present:**

David Dyer, D.C., Chairman  
Charles Cochran, D.C., Vice Chair  
John Bernzott, D.C.  
Marian Klaes-Lanham, D.C.  
David Frischman, D.C.  
David Davis, D.C.

##### **Board Members Absent:**

##### **State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Kristine Yarde, Assistant Director, Professional Licensing Agency  
Heather Hollcraft, Case Manager, Professional Licensing Agency  
Liz Brown, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF AGENDA**

A motion was made and seconded to adopt the agenda, as amended.

DAVIS/FRISCHMAN  
Motion carried 6-0-0

#### **III. ADOPTION OF THE MINUTES FROM THE NOVEMBER 6, 2008 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes, as presented, from the November 6, 2008 meeting of the Board.

KLAES-LANHAM/FRISCHMAN  
Motion carried 6-0-0

#### **IV. APPEARANCES**

##### **A. PROBATIONARY**

- 1. James D. Cory, D.C., License No. 08001650A**  
Administrative Cause No. 2008 IBCE 0001

Dr. Cory appeared before the Board, as requested, regarding his conditional license. It was noted that this appearance is the final condition to be met and his license

would be given an "active" status. Dr. Cory advised he is practicing on a few patients by taking his table to their homes. He stated he has another job that is his sole source of income but he is happy to be doing chiropractic and hopes to get back into it full time one day.

**2. Horng Yuan Shao, D.C., License No. 08001807A**  
Administrative Cause No. 2007 IBCE 0002

Dr. Shao appeared before the Board, as requested, regarding his probationary status. He stated he is still working at the Conrad Hotel spa two days a week and he is now working at another spa also. He is still not billing insurance. The Board noted he has been discharged from his Federal probation and he explained he hopes to relocate to Texas by April.

**B. RENEWAL**

**1. Mark Robert Schuler, D.C., License No. 08001569A**

Dr. Schuler appeared before the Board, as requested, regarding his application for renewal of his Indiana chiropractic license. His Indiana chiropractic license expired July 1, 2002 and he submitted a renewal application, renewal fee, and copies of continuing education. Dr. Schuler successfully passed the law examination and has been continuously practicing in Kentucky since his Indiana license expired. Dr. Schuler spoke with the Board about his opportunity to relocate back in Indiana.

**Board Action:** A motion was made and seconded to renew Dr. Schuler's chiropractic license.

COCHRAN/KLAES-LANHAM  
Motion carried 6-0-0

**C. APPLICATION**

**1. Matthew August Holstein, D.C.**

Dr. Holstein appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Holstein has successfully completed the law examination. Dr. Holstein is a 2004 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Holstein holds a license in Missouri and Pennsylvania.

**Board Action:** A motion was made and seconded to grant Dr. Holstein a chiropractic license.

FRISCHMAN/COCHRAN  
Motion carried 5-0-0

**2. Brad G. Muhlenkamp, D.C.**

Dr. Muhlenkamp failed to appear for the law examination and personal appearance. This was the fourth time he was scheduled to take the law examination and his file will be officially marked abandoned as of this day because it was one year old on December 10, 2008.

**3. Nicole Marie Palmer, D.C.**

Dr. Palmer appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Palmer has successfully completed the law examination. Dr. Palmer is a 2006 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Palmer holds a license in Missouri.

**Board Action:** A motion was made and seconded to grant Dr. Palmer a chiropractic license.

FRISCHMAN/DAVIS  
Motion carried 6-0-0

**4. John Alexander Pixler, D.C.**

Dr. Pixler appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Pixler has successfully completed the law examination. Dr. Pixler is a 2006 graduate of Life University and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Pixler holds a license in Georgia.

**Board Action:** A motion was made and seconded to grant Dr. Pixler a chiropractic license.

COCHRAN/KLAES-LANHAM  
Motion carried 6-0-0

**5. Daniel Mark Salim, D.C.**

Dr. Salim failed to appear for the law examination and personal appearance. He will be sent a letter to contact the Board to reschedule his law examination and personal appearance before his application becomes one year old.

**6. Elizabeth Ann Bernfield, D.C.**

Dr. Bernfield appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Bernfield has successfully completed the law examination. Dr. Bernfield is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Bernfield does not hold a license at this time.

**Board Action:** A motion was made and seconded to grant Dr. Bernfield a chiropractic license.

COCHRAN/FRISCHMAN  
Motion carried 6-0-0

**7. Steven Wayne Brinson, D.C.**

Dr. Brinson appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Brinson successfully completed the law examination. Dr. Brinson is a 2008 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Brinson does not hold a license at this time.

**Board Action:** A motion was made and seconded to grant Dr. Brinson a chiropractic license.

DAVIS/FRISCHMAN  
Motion carried 6-0-0

**8. Ross Philip Hartings, D.C.**

Dr. Hartings appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Hartings has successfully completed the law examination. Dr. Hartings is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Hartings does not hold a license at this time.

**Board Action:** A motion was made and seconded to grant Dr. Hartings a chiropractic license.

DAVIS/FRISCHMAN  
Motion carried 6-0-0

**9. Travis Russell Hulbert, D.C.**

Dr. Hulbert appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Hulbert has successfully completed the law examination. Dr. Hulbert is a 2008 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Hulbert does not hold a license at this time. On his application Dr. Hulbert answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained in November 2006 he was convicted of driving under the influence of alcohol. He completed all of the requirements ordered by the court and has had no trouble since that incident.

**Board Action:** A motion was made and seconded to grant Dr. Hulbert a chiropractic license.

FRISCHMAN/DAVIS  
Motion carried 6-0-0

**10. Sarah M. Ragan, D.C.**

Dr. Ragan appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Ragan has successfully completed the law examination. Dr. Ragan is a 2008 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Ragan does not hold a license at this time.

**Board Action:** A motion was made and seconded to grant Dr. Ragan a chiropractic license.

KLAES-LANHAM  
Motion carried 6-0-0

**11. Robert Earl Roach, D.C.**

Dr. Roach appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Roach has successfully completed the law examination. Dr. Roach is a 1997 graduate of Life University and has taken and passed National

Boards Parts I, II, III, IV, and Physiotherapy. Dr. Roach holds a license in Tennessee, Kentucky, Mississippi, and Ohio. On his application Dr. Roach answered "yes" to question #2 asking, "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?" He explained he was disciplined in Kentucky for using the word "physician" on his business card. He paid a fine and the matter was resolved.

**Board Action:** A motion was made and seconded to grant Dr. Roach a chiropractic license.

COCHRAN/KLAES-LANHAM  
Motion carried 6-0-0

**12. Dustin John Sherman, D.C.**

Dr. Sherman appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Sherman has successfully completed the law examination. Dr. Sherman is a 2008 graduate of National University of Health Sciences and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Sherman does not hold a license at this time.

BERNZOTT/KLAES-LANHAM  
Motion carried 6-0-0

**13. Joshua Steven Seiler, D.C.**

Dr. Seiler appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Seiler has successfully completed the law examination. Dr. Seiler is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Seiler does not hold a license at this time.

**Board Action:** A motion was made and seconded to grant Dr. Seiler a chiropractic license.

BERNZOTT/KLAES-LANHAM  
Motion carried 6-0-0

**14. Donald A. Williams, D.C.**

Dr. Williams appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Williams has successfully completed the law examination. Dr. Williams is a 1982 graduate of Cleveland College of Chiropractic and has taken and passed National Boards Parts I, II, and Physiotherapy. Dr. Williams submitted proof of passing a California state constructed examination in lieu of National Board Part IV. Dr. Williams holds a license in California.

**Board Action:** A motion was made and seconded to grant Dr. Williams a chiropractic license.

BERNZOTT/KLAES-LANHAM  
Motion carried 6-0-0

**15. Sebastian T. Wilson, D.C.**

Dr. Wilson appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Wilson did not successfully complete the law examination. Dr. Wilson is a 1996 graduate of Life University and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Wilson holds a license in Michigan.

**Board Action:** A motion was made and seconded to grant Dr. Wilson a chiropractic license upon retaking and passing the law examination. Dr. Wilson has been set to retake the law examination on January 20, 2009.

COCHRAN/FRISCHMAN  
Motion carried 6-0-0

## V. ADMINISTRATIVE HEARINGS

### A. Nan Johnson Crossgrove, D.C., License No. 08002069A

Administrative Cause No. 2008 IBCE 0003

Re: Petition for Review of the Petitioner's Notice of Noncompliance with the Continuing Education Audit

#### **Parties and Counsel Present:**

Respondent was present and was not represented by Counsel  
The State of Indiana was not represented  
Sherri Rutledge, Court Reporter

#### **Participating Board Members:**

Dr. Dyer (Hearing Officer)  
Dr. Cochran  
Dr. Klaes-Lanham  
Dr. Bernzott  
Dr. Davis  
Dr. Frischman

**Case Summary:** Dr. Crossgrove was chosen in a random audit for compliance with the continuing education requirements for chiropractors. She was asked to submit proof of completion of twenty-four (24) hours of continuing education which includes eight (8) hours in the area of risk management and/or public health. Dr. Crossgrove provided proof of completion of thirty-six (36) hours of continuing education given by Texas Chiropractic College but there were no risk management hours indicated. On November 17, 2008 the Board sent Dr. Crossgrove a Notice of Noncompliance ordering her to pay a civil penalty in the amount of four hundred dollars (\$400.00) within twenty-one (21) days of the Order and complete eight (8) hours in the area of risk management and/or public health within six (6) months of the Order. Dr. Crossgrove was issued a conditional license until these requirements were met. Dr. Crossgrove petitioned the Board for a hearing to appeal her noncompliance with the audit. At the hearing she entered into evidence exhibit #1 which is a new Texas Chiropractic College transcript showing four (4) hours of risk management credits that were given for a course she took within the biennium. The risk management hours were not listed on the previous course transcript she submitted during the audit. Dr. Crossgrove entered into evidence exhibit #2 which is a certificate of completion for four (4) hours of risk management given by the ISCA dated January 5, 2009. The Board noted those four (4) hours were completed outside of the biennium but can be used to make-up the four (4) hours she was deficient.

**Board Action:** A motion was made and seconded to modify the civil penalty from \$400 to \$200 to be paid within twenty-one (21) days of the Final Order. Dr. Crossgrove had proved that she had completed four (4) hours of risk management at the Texas Chiropractic College

during the biennium. The additional continuing education hours submitted from the ISCA were acceptable for the hours she was deficient.

BERNZOTT/DAVIS  
Motion carried 6-0-0

#### **VI. SETTLEMENT AGREEMENTS**

There were no settlement agreements before the Board.

#### **VII. NOTICE OF PROPOSED DEFAULT**

There was no notice of proposed defaults before the Board.

#### **VIII. OLD/NEW BUSINESS**

There was no old/new business.

#### **IX. DISCUSSION**

##### **A. 2009 Meeting Dates**

Ms. Vaught discussed the budget cuts being made in an effort to save money. The Board agreed to have meetings on a quarterly basis and just have one board member come every other month to interview and approve the new applicants. It was agreed that Dr. Bernzott will come on March 5, 2009 to conduct the interviews. The next full Board meeting will be held on April 2, 2009.

#### **X. APPLICATION REVIEW**

##### **A. Endorsement Applications**

###### **1. Daniel K. Mossell, D.C.**

Dr. Mossell appeared before the Board regarding his application for chiropractic licensure by endorsement. Dr. Mossell is a 1991 graduate of the National College of Chiropractic and has taken and passed National Boards Part I, II, III and Physiotherapy. He is currently licensed in the state of Illinois. Dr. Mossell has not taken National Boards Part IV or a state constructed examination in another state where he holds an active license. Licensure was granted in Illinois based upon the National Boards. Ms. Vaught explained to the Board that the law requires he have one or other to qualify for an Indiana chiropractic license.

**Board Action:** A motion was made and seconded to table Dr. Mossell's application until he completes Part IV of the NBCE or until the file becomes one year old at which time it will be considered abandoned.

DAVIS/BERNOTT  
Motion carried 6-0-0

##### **B. Examination Applications**

There were no examination applications to review.

##### **C. Temporary Permits**

There were no temporary permits to review

**D. Professional Corporation Applications**

There were no Professional Corporation applications to review

**XI. PROBATIONARY REPORT**

There were no probationary reports given.

**XII. CONTINUING EDUCATION**

There was no continuing education to review.

**XIII. REPORTS**

**A. Indiana State Chiropractic Association**

Pat McGuffey spoke to the Board about the legislative session and what they are currently working on.

**B. International Chiropractic Association of Indiana**

There was no report given by Susan Ellis of the ICAI.

**C. Consumer Complaints**

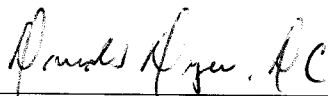
There was no report given on consumer complaints.

**D. Continuing Education**

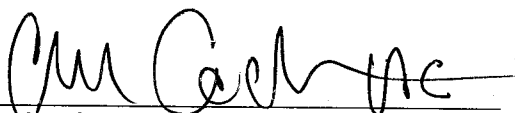
There was no report given on continuing education.

**XIII. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 12:00 p.m.

  
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David Dyer, D.C. - Chairman

7.05.10  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Charles Cochran, D.C. - Vice Chairman

10-7-10  
\_\_\_\_\_  
Date